



MAIL STOP - PCT
Attorney Docket No.: 27193U
Date: May 19, 2006

File image

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LIPPERT, et al.

Art Unit: Unknown

Examiner: Unknown

Appl. No.: 10/568,417 ✓

Filed: February 14, 2006

Intl. Appl. No.: PCT/EP2004/051841

Intl. Filing Date: August 19, 2004

For: **PHARMACEUTICAL PRODUCT FOR INJECTION**

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Information Disclosure Statement;
- 2) PTO Form-1449 with 15 references cited, and copies for 13 of the 15 references cited.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC


Gary M. Nath, Reg. No. 26,965
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

[XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

[] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

[] ii. a check in the amount required by 37 C.F.R. 1.17(p).

- ☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.
☐ Certification report(e) below; and
☐ a check in the amount as required by 1.17(p).
- ☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.
- ☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]
- ☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,
or
- ☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
or
- ☐ Appropriate certification is attached.
- [XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

g.

[XXX] Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:


and / or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC



Gary M. Nath, Reg. No. 26,965
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FORM PTO-1449		In re Application of: LIPPERT, et al.		Art Unit: Unknown	
<u>INFORMATION DISCLOSURE</u> <u>CITATION</u>		Appl. No: 10/568,417	Filed: February 14, 2006	Examiner: Unknown	
U.S. PATENT DOCUMENTS					
Examiner Initial		Document Number	Issue / Publication Date	Inventor	Filed
	A1	2003/0003058	2 Jan. 2003	Linder et al.	15 Jul. 2002
	A2	5,965,575	12 Oct. 1999	Peglion et al.	27 Mar. 1998
FOREIGN PATENT DOCUMENTS					
Examiner Initial		Document Number	Publication Date	Country	Translation
	A3	03/014117 A1	20 Feb. 2003	WO	N/A
	A4	2005/003130 A1	13 Jan. 2005	WO	N/A
	A5	02/48144 A1	20 Jun. 2002	WO	N/A
	A6	03/051877 A1	26 June 2003	WO	N/A
	A7	98/55118 A2	10 Dec. 1998	WO	N/A
	A8	03/014116 A1	20 Feb. 2003	WO	N/A
	A9	03/014115 A1	20 Feb. 2003	WO	N/A
OTHER					
Examiner Initial		(Including Author, Title, Date, Pertinent Pages, etc.)			
	A10	European Pharmacopoeia 2002, "3.2.9. Rubber Closures for Containers for Aqueous Parenteral Preparations, for Powders and for Freeze-Dried Powders", pages 282-283.			
	A11	European Pharmacopoeia 2002, "3.2.1. Glass Containers for Pharmaceutical Use", pages 271-275.			
	A12	USPC2003, "Injections", 10 pages.			
	A13	BASF Pharma, section 3, UK Summary of Product Characteristics for Protium i.v.			
	A14	Leitner, A., et al., "Visual Documentation of the Stability of Intravenous Formulations of Omeprazole (Losec®) and Pantoprazole (Pantoloc®)", <u>Wien Med Wschr</u> , vol. 152, pages 568-573, (2002). ABSTRACT			
	A15	Physicians' Desk Reference: PDR® entry for Protonix I.V., printed on July 21, 2003.			
Examiner			Date Considered		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.					